

**SPECIAL MEETING  
BOARD OF MAYOR AND ALDERMEN  
(ROAD HEARING)**

**May 23, 2005**

**5:30 PM**

Mayor Baines called the meeting to order.

Mayor Baines called for the Pledge of Allegiance; this function led by Alderman Sysyn.

A moment of silent prayer was observed.

The Clerk called the roll.

Present: Aldermen Roy, Guinta, Sysyn, Porter, O’Neil, Lopez, Shea,  
DeVries (arrived late), Garrity, Smith, Thibault and Forest.

Absent: Aldermen Gatsas and Osborne

Mayor Baines stated that the purpose of the road hearing was to hear those wishing to speak in favor of our in opposition to proposed street discontinuance/dissolution petitions, followed by viewing the area of the petitions and determination of the action to be taken on such petitions. Such petitions shall be addressed at which time the Public Works Director shall be requested to make a presentation following which those wishing to speak in favor will be heard, followed by those wishing to speak in opposition. Anyone wishing to speak must first step to the nearest microphone when recognized and state his/her name and address in a clear, loud voice for the record. Each person will be given only one opportunity to speak and any question must be directed to the Chair.

**A.**     *Petition to discontinue a portion of Gay Street.*

Mayor Baines requested Frank Thomas, Public Works Director, to make a presentation.

Frank Thomas, Public Works Director, stated Gay Street is an accepted street in the Brown Avenue Industrial Park. The street ends to the northerly end of it in a hammerhead turnaround as show on the plan in your agenda. The turnaround is the subject of the discontinuance tonight that is being requested by Summit Packing. Summit is proposing to construct a new turnaround and dedicate some additional right-of-way for this new turnaround to the City, again as shown on the plan on your agenda. The Highway Department supports this discontinuance petition subject to obtaining an approved plan for a new cul-de-sac and a bond to guarantee its construction. Plans have been submitted to the City and they are under review now so it is in the process but we don’t have the bond right now.

Mayor Baines called for those wishing to speak in favor.

There were none.

Mayor Baines called for those wishing to speak in opposition.

There were none.

**B.**     *Petition for dissolution of Madison Street.*

Mayor Baines requested Frank Thomas, Public Works Director, to make a presentation.

Mr. Thomas stated Madison Street was dedicated by a recorded subdivision plan dated 1854. The street was never opened or approved, however, because it was dedicated prior to 1893 it must be formally released and discharged. The petition to discontinue or release and discharge was submitted by Mr. Robert St. George of 4145 Jefferson Street, an abutter to the street. The Highway Department does support the release and discharge of Madison Street. The street is somewhat difficult to see because of fences and houses and buildings around it so I have prepared the plan that you have in front of you that gives you a better idea and you can hopefully visualize it a little bit better once we get out into the field.

Mayor Baines called for those wishing to speak in favor.

There were none.

Mayor Baines called for those wishing to speak in opposition.

There were none.

Deputy City Clerk Johnson stated for the record we are intending to go to Madison Street first and then to Gay Street.

Alderman Thibault asked there is a building there right.

Mr. Thomas answered that is correct. There is a building...there is a house that is encroached into that area. Again, there hasn't been any street there going back to the 1800's.

Mayor Baines stated that was my backyard. That was Raco-Theodore's field that we had there.

Mr. Thomas stated the way the law has been viewed in the past...again and maybe Tom Arnold can answer it better but when we had paper streets like this after a period of time we automatically said it didn't have any public status but evidently there is a law that says if it was recorded prior to 1893 then it has been formally dedicated and you need a formal process to release it. If it was dedicated after 1893 then there is no problem.

Alderman DeVries arrived at the meeting.

On motion of Alderman Roy, duly seconded by Alderman Sysyn, it was voted to recess the hearing and proceed to view the areas of the petitions presented.

Mayor Baines called the meeting back to order at the site of petition:

**Item 4B**      *Petition for dissolution of Madison Street.*

Present at the site were:      Mayor Baines; Aldermen Roy, Guinta, Sysyn, Porter, Shea, DeVries, Garrity, Smith, Thibault, Forest, and O’Neil.

Absent was:                      Aldermen Gatsas, Osborne, Lopez

Mr. Thomas addressed the Board advising of the area of the subject petition noting that the marked area of a fence was the end of the right of way. Within discussion it was noted that there was a concrete building and other physical property extension in the area of the right of way as it was currently petitioned. In response to questions from Alderman DeVries and Alderman Roy, Mr. Thomas advised that he knew of no disadvantage the City would be in with regard to retaining the right of way and the development of the JacPac or MTA property. Mr. Thomas, in response to further questions raised, noted that the petitioner he believed did not intend to build any more residential property and therefore there would be no further residential impact to the MTA/JacPac property development that could create issues on how the property might be developed. What existed would remain. Deputy Solicitor Arnold advised that the release and discharge was a technicality of the pre-1893 plan dedication as indicated previously by Mr. Thomas and that the City did not have deed title to property under the roadway. Within discussion with Alderman DeVries it was clarified that the Solicitor’s opinion was that the clock regarding reversion rights by having property extending into a right of way would not begin until such time as the release and discharge was formally conducted by the City.

Robert St. George, owner of 41-45 Jefferson Street, also the petitioner, arrived at the site and explained to members of the Board that his intention was not to develop and further buildings but to create a space to turn around for parking purposes. Parking and turn around was an issue for his two family property adjacent to the so-called right of way. He needed the space.

Alderman DeVries questioned if the City could give Mr. St. George a license to utilize the area for parking rather than to discontinue the right of way.

Deputy Solicitor Arnold replied that since the City did not own the property, it was a right of way, he did not believe the City was in a position to issue a license.

On motion of Alderman Garrity, duly seconded by Alderman Guinta, it was voted to release and discharge Madison Street as petitioned, subject to maintaining any and all easements, which may exist at this time.

Mayor Baines advised Mr. St. George that the petition was granted. Mr. St. George thanked the Board and left.

Mayor Baines called a recess to proceed to the area of the Gay Street petition.

Mayor Baines called the meeting back to order at the site of petition:

**Item 4A**      *Petition to discontinue a portion of Gay Street.*

Present at the site were:      Mayor Baines; Aldermen Roy, Guinta, Sysyn, Porter, Shea, DeVries, Garrity, Smith, Thibault, Forest, and O’Neil.

Absent was:                      Aldermen Gatsas, Osborne, Lopez

Mayor Baines advised that before they discussed the Gay Street petition, Alderman Roy wished to be recognized.

Notice for Reconsideration Madison Street

Alderman Roy gave notice for reconsideration regarding the motion to release and discharge Madison Street.

Alderman DeVries also gave notice for reconsideration regarding this item.

Gay Street Discontinuance petition:

Mayor Baines requested Mr. Thomas to address the Board regarding the petition.

Mr. Thomas again explained the area of the petition requested to be discontinued; that being near an area where construction vehicles were parked. Mr. Thomas explained the proposed cul-de-sac to be constructed. Mr. Thomas again noted that the Highway Department supported the petition provided the cul-de-sac was constructed to replace the area of the petition.

On motion of Alderman Garrity, duly seconded by Alderman DeVries, it was voted to approve the discontinuance of Gay Street as petitioned subject to an approved plan for the cul-de-sac with a bond guarantee to cover completion of construction of the cul-de-sac satisfactory to the Highway Department, further subject to reserving any and all easements that may exist at the time of discontinuance; such discontinuance to become effective upon receipt of dedication for the cul-de-sac approved by the Highway Department.

There being no further business to come before the Board, on motion of Alderman Smith, duly seconded by Alderman Shea, it was voted to adjourn.

A True Record. Attest.

City Clerk